

# Order

Entered: November 24, 2004

## Michigan Supreme Court Lansing, Michigan

Maura D. Corrigan  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman  
Justices

ADM File No. 2004-47

Proposed Amendment  
of Rule 7.302 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 7.302 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing by the Court before a final decision is made. The schedule and agendas for public hearings are posted at [www.courts.michigan.gov/supreme-court](http://www.courts.michigan.gov/supreme-court).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[The present language would be amended as indicated below  
by strikeouts and underlining.]

### Rule 7.302 Application for Leave to Appeal

(A)-(B)[Unchanged.]

(C) When to File.

(1)-(3)[Unchanged.]

(4) Decisions Remanding for Further Proceedings. If the decision of the Court of Appeals remands the case to a lower court for further proceedings, an application for leave may be filed within 28 days in appeals from orders terminating parental rights, 42 days in other civil cases, or 56 days in criminal cases, after

(a) the Court of Appeals decision ordering the remand, ~~or~~

(b) the Court of Appeals clerk mails notice of an order denying a timely filed motion for rehearing of an order remanding the case to the lower court for further proceedings, or

(b)(c) the Court of Appeals decision disposing of the case following the remand procedure, in which case an application may be made on all issues raised in the Court of Appeals, including those related to the remand question.

(5)-(6) [Unchanged.]

(D)-(H) [Unchanged.]

Staff Comment: The proposed amendment of MCR 7.302(C)(4) would allow a party to seek leave to appeal in the Michigan Supreme Court from the denial of a motion for rehearing of a Court of Appeals decision to remand a case to the trial court. The proposed amendment also adds language that clarifies that a 28-day time limit applies to applications for leave to appeal in appeals from orders terminating parental rights.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by March 1, 2005, at P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). When filing a comment, please refer to ADM File No. 2004-47. Your comments and the comments of others will be posted at [www.courts.michigan.gov/supremecourt/resources/administrative/index.htm](http://www.courts.michigan.gov/supremecourt/resources/administrative/index.htm).



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 24, 2004 <sup>2</sup>

Angie J. Meyer  
Deputy Clerk